

RESOLUTION NO. 691

RESOLUTION ADOPTING PURCHASING POLICY (FIRST EDITION 2009) OF THE CITY OF SPRING HILL, KANSAS; FURTHER RESCINDING RESOLUTION NO. 440 AND RESOLUTION NO. 660.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: INCORPORATING PURCHASING POLICY OF THE CITY OF SPRING HILL, KANSAS. There is hereby incorporated by reference, for the purpose of establishing a purchasing policy for the City of Spring Hill Kansas, known as the "Spring Hill, Kansas Purchasing Policy" (First Edition 2009). One or more copies of said Purchasing Policy shall be marked or stamped "Official Copy as Incorporated by Resolution No. 691 of the City of Spring Hill, Kansas" and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours. All administrative departments of the City charged with the enforcement of this resolution shall be supplied in such number of official copies of such Purchasing Policy similarly marked as may be deemed expedient.

SECTION TWO: RESCISSION. Resolutions No. 440 and 660 are hereby rescinded.

SECTION THREE: EFFECTIVE DATE. This resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED by the City Council this 12th day of November, 2009.

APPROVED by the Mayor this 12th day of November, 2009.


Mark Squire, Mayor

11/12/09

Attest:


Anna Marie Keena, City Clerk

Approved as to Form:


Frank H. Jenkins Jr., City Attorney



PURCHASING POLICY

Spring Hill, Kansas Purchasing Policy, 2009 First Edition

Adopted November 12, 2009

Sequence of Purchasing Policy Changes and Approvals:

First Edition, 2009

Approved November 12, 2009

**CITY OF SPRING HILL
PURCHASING POLICY
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CITY OF SPRING HILL

PURCHASING POLICY

SECTION TITLE: GENERAL PROVISIONS AND PURCHASING PROCESS

SECTION NUMBER: 1

1.01 GENERAL PROVISIONS

A. Introduction: This Purchasing Policy has been developed in order to establish uniform policies and procedures for the procurement of supplies, services and professional services. This policy shall be used as a guide for each department regardless of the type of purchase.

B. Purchasing Policy and Procedures Purpose and Objectives

The purpose of this policy is:

1. To provide for fair and equitable treatment of all Vendors involved in the City's purchasing process;
2. To document and standardize the City's purchasing policies and procedures for orderly and efficient administration;
3. To provide safeguards for maintaining a procurement system of quality and integrity and;
4. To foster effective, broad-based competition within the free enterprise system.

C. Authority Roles and Responsibilities

1. City Council: The ultimate responsibility for all purchases made by the City of Spring Hill is held by the City Council. The City Council is responsible for adopting an annual operating budget to guide City expenditures and provide direction on City services offered and approves expenditures through an appropriation order. The Mayor is required by Kansas Statute K.S.A 12-103 to enter into contracts on the City's behalf.
2. City Administrator: The City Administrator shall establish, maintain and update policies and procedures for the procurement of all supplies, services and professional services. Such policies and procedures shall be applicable to all City Employees. Deviations from the City's purchasing policies and procedures shall be made only at the discretion of the City Administrator and will be guided by 1.01 F., Exceptions to City Purchasing Policy, of this policy. In absence of the City Administrator, the Finance Director shall assume the City Administrator's purchasing roles and responsibilities.

3. **Department Directors:** By the authority of the City Administrator, Department Directors are delegated purchasing authority and responsibility as established in this policy and as set by the annual approved City Operating Budget.

Department Directors are responsible for ensuring that all assigned employees are knowledgeable of and consistently using the City's purchasing policies and procedures. Department Directors may delegate purchasing authority to assigned employees as needed. However, the ultimate responsibility for adherence to purchasing policies and procedures remains with the Department Director.

Departments are responsible for verifying actual receipt of supplies and services in good condition, and of the specified quantity and quality. This verification should be done as soon as possible so the City can receive any payment discounts offered for prompt payment.

4. **Finance Department:** Prior to processing payment, the finance department shall review all department requested purchases to ensure compliance with this policy. If it is determined that a department has deviated from procurement policies and procedures, the finance department shall work with the Department Director to resolve the situation.
- D. Public Access to Purchasing Information:** Purchasing information shall be a public record to the extent provided in City Policy Statement 39 and the Open Records Act, K.S.A. 45-201 et seq. Retention information may be found in the City's Retention Policy.
- E. Purchasing Authority:** While all purchases are generally initiated by departments, the following table illustrates the final purchasing authority assigned to Department Directors, the City Administrator and the Governing Body.

| Expenditure Amount | Final Purchasing Authority |
|---------------------|----------------------------|
| \$1 to \$5,000 | Department Director |
| \$5,001 to \$10,000 | City Administrator |
| Over \$10,000 | Governing Body |

- F. Exceptions to City Purchasing Policy:** This policy applies to all expenditures of City funds. The purchasing policies and procedures are established under the authority of the City Administrator. The City Administrator may waive some or all requirements of the purchasing policies and procedures for:
1. Emergencies;
 2. Purchases through interlocal agreements with other governmental or non-profit entities;
 3. Purchases through cooperative agreements with other governmental or non-profit entities in which the agreement honors the spirit and intent of the City's purchasing policies and procedures;

4. Procurements involving the expenditure of federal or state funds requiring adherence to mandatory applicable laws or regulations;
 5. Compliance with the terms and conditions of any gift or bequest to the City;
 6. Any purchase in which the City Administrator determines that a waiver is in the best interest of the City and not in violation of federal, state or local law.
- G. Ethics:** All city employees authorized to conduct purchasing activities on behalf of the City of Spring Hill shall adhere to the highest degree of ethical standards. No employee shall engage in or permit any illegal or improper purchasing practice. Further, any employee having knowledge of any questionable practices shall immediately report this knowledge to their respective Department Director or the City Administrator. Engaging in or permitting unethical or illegal conduct constitutes grounds for disciplinary action that may include termination of employment with the City and/or criminal prosecution.
- H. Employee Reimbursements and Travel Advances:** Employees may be reimbursed for the purchase of small quantities of supplies or equipment, meals, and mileage. Any reimbursement over \$50 shall be made by check. There is a maximum of \$100 for each cash advance, per person, per day, through the travel and reimbursement process. Refer to the travel policy within the City's Personnel Rules and Regulations.
- I. City Attorney Review of Agreements:** All rental, lease agreements, or contracts for goods and services must be reviewed by the City Attorney and be authorized by the Mayor. A copy of all rental, lease agreements, or contracts requiring payment must also be forwarded to the finance department for processing at least ten (10) days prior to the due date of the first payment.
- J. Municipal Tax Exemption:** The City is tax exempt as a political subdivision under Section 4221(b) of the IRS Code and K.S.A. 79-3606, except for personal property used in a business setting or goods and services purchased outside of the State of Kansas. Department Directors are responsible for obtaining the latest tax exempt certificate from the finance department and remit it to the appropriate vendor prior to every purchase.
- K. Budgetary Control:** Budget review by the finance department will be at the category level (e.g. personnel, contractual services, commodities, capital outlay) for each department in each fund. A claims voucher or an invoice may not be paid, if expenditures have exceeded the total approved for the budget of that division or department. Exceptions to this limitation can only be approved by the City Administrator.
- L. Policy Approval and Subsequent Changes:** Any change to the purchasing policy must be approved by Council through an amending resolution. The original adoption of this purchasing policy occurred on November 12, 2009. Each subsequent policy change shall be marked with the current version number of this policy and the date of adoption.

1.02 PREFERENTIAL VENDOR USE AND RESTRICTIONS (PREFERENCE POLICY)

Whenever a vendor meets price and performance requirements, City staff shall make an effort to purchase supplies and services that:

1. Are located within the City of Spring Hill;
2. Provide and/or purchase recycled products and other environmentally preferable products; or
3. Have a history of providing great service to the City of Spring Hill.

Purchases which grant a financial benefit to a City of Spring Hill employee (including a City of Spring Hill Governing Body member) are prohibited unless disclosed through a statement of financial interest, solicited and authorized in compliance with this policy and the City Personnel Rules and Regulations.

1.03 PURCHASING PROCESS

A. General Purchasing Information

1. **Purchase Initiation:** Departments are responsible for initiating and managing their purchases. The finance department is available as a resource.
2. **Warrant Schedule:** Typically, the finance department pays invoices based on due date. Invoices not requiring Council approval are processed by the finance department unless special circumstances apply. Invoices requiring Council approval are processed in accordance with the Council meeting schedule. An appropriation order is presented to Council as a consent item at each scheduled meeting for approval.
3. **Invoice Processing:** All invoices can be sent by the vendor to the department initiating the purchase. Those invoices are to be coded with the expense line item most applicable, signed by the department director and forwarded to the finance department.

Efforts to avoid late fees or interest charges should be made a priority in the timing of routing invoices between departments. In the event the City does incur late fees, they will be charged back to the original expense line item for the department incurring the fee.

The finance department will pay from invoices only and not monthly statements as a general rule. Monthly vendor statements will be reviewed by the finance department and copies of unpaid invoices will be requested from the vendor and routed to the appropriate department.

B. Purchasing Card

1. **Purpose:** The Purchasing Card program is designed to improve efficiency in processing small dollar purchases. Each employee issued a card is responsible for all purchases

made with the card. The employee, City of Spring Hill and tax-exempt status should be clearly identified on the card.

2. Purchasing Card Guidelines:

- a) Card issuance is based on recommendation from the Department Director to the Finance Department authorizing those employees with purchasing powers for the City of Spring Hill. Each card will have transaction, daily, monthly and/or category limits.
- b) Purchasing card limits apply to each purchase as well as being subject to the dollar limits provided within this Purchasing Policy.
- c) Employees are responsible for the safekeeping of the card and all purchases made on their cards. Purchasing cards shall not be loaned out to other employees. Lost or stolen cards must be reported to Visa and the Finance Department immediately.
- d) The Finance Department will perform a monthly audit of all transactions. Unauthorized charges will be documented and forwarded to the appropriate Department Director and Human Resources for disciplinary action as outlined in the Personnel Rules and Regulations.
- e) Detailed receipts for each transaction will be kept, and any missing receipts will be researched, by the cardholder.

3. Purchasing Card Program Administration

- a) Program Administration shall be the responsibility of the Finance Director. All card issuance and limit changes will be approved through the Program Administrator.
- b) Program Coordinator will have the responsibility of corresponding with the bank and card company; reconciling the City's master account; requesting payment from accounts payable; communicating with each department and with the Program Administrator on any issues.
- c) Department Director will alert the Finance Department if any action occurs that would eliminate the cardholder's right to purchase on behalf of the City of Spring Hill (i.e. disciplinary action, demotion, termination, etc.)
- d) Department Reconciler will collect all receipts from individual cardholders within their department and reconciling each card prior to submitting to the Finance Department for payment.
- e) Cardholder is responsible for the ultimate safekeeping of their assigned card and maintaining the integrity of the City of Spring Hill in all purchases made.

4. **Process:** The process for reconciling and remitting payment on purchases made with the City's purchasing card is clearly outlined in the Purchasing Card Handbook. This handbook is to be used as a reference guide to all employees involved in the process of purchases made, reconciling of statements and payment of charges incurred. Each employee assigned a purchasing card will receive training for use of the card and will sign a statement of understanding prior to the card being issued. Misuse of the purchasing card and City funds will be handled according to the City's Personnel Rules and Regulations and could include disciplinary action leading up to termination.

C. Petty Cash

1. **Purpose:** The petty cash fund was established to enable departments to make small, emergency purchases when a warrant check is not available or a purchasing card cannot be used. It also ensures that change is available to appropriately complete any cash transactions. The amount of the petty cash fund is established at the time the fund is approved. Expenditures may not be used to circumvent current purchasing procedures.
2. **Petty Cash Guidelines**
 - a. Expenditures of \$50 or less made by a City employee.
 - b. Adequate receipts and documentation must be maintained to support all transactions made from the petty cash fund.
3. **Established Petty Cash Funds**
 - a. City Hall - A petty cash fund is maintained by the Finance Department. This is balanced by an authorized staff member and replenished as needed.
 - b. Golf Course - The Golf Course maintains a petty cash fund accessible only by Golf Course employees to be used only for Golf Course purchases as established for this petty cash fund.
4. Departments wishing to establish a new petty cash fund shall contact the Finance Director.
5. **Approval and Process**
 - a. Complete the petty cash request form (See Exhibit B). Complete the following fields: purchase/expenditure description, total amount requested for reimbursement and account number for the expense to be charged to. A receipt for the expenditure must be attached to this form. The form is signed and dated by the requestor's department director.
 - b. The requestor submits the form to the Finance Department for reimbursement.
 - c. The Finance Department will review the petty cash reimbursement request form, the receipt(s) and confirms the total amount requested on the form. The

Finance Department marks the form and the receipt as "PAID," dates and initials the form and then issues cash payment to the requestor.

D. Claims Voucher

1. **Purpose:** A claims voucher is a document that may be used to authorize the Finance Department to issue a check to a vendor when no receipt or invoice is available and when use of a City Purchasing Card is not possible.
2. **Applicability:** Examples of purchases for which a claim voucher may be used include:
 - a. Bond & interest payments
 - b. Customer refunds
 - c. Intergovernmental payments
 - d. Postage
 - e. Taxes
 - f. Dues and subscriptions
 - g. Petty cash claims over \$50
3. **Approval:** Claims vouchers are approved for payment in accordance with the final approval authority set forth in this policy under Section 1.01. E, Purchasing Authority.
4. **Process:** A claims voucher form is completed and routed for approval to the appropriate individual(s). Once all necessary approvals have been received, the claims voucher shall be forwarded to the Finance Department for payment.

1.04 EMERGENCY PURCHASES

- A. Definition:** Emergency purchases are considered only when adherence to normal purchasing policies and procedures would threaten: (1) the functioning of City government; (2) the preservation or protection of property, machinery, or equipment; and/or (3) the health or safety of any person.
- B. Authority:** In case of an emergency as defined above, the City Administrator may waive all provisions for competitive purchasing. In such instances, the City Administrator may delegate this authority to the appropriate department director. Emergency needs shall be purchased by informal open market procedures as expeditiously and as close to normal commercial prices as circumstances will allow. When an emergency expenditure is over \$10,000, a full report of the circumstances necessitating the emergency action shall be presented to the Governing Body.
- C. Emergency Purchase Procedure:** A department director may purchase directly any essential supplies or services. As soon as practical, the department director shall notify the City

Administrator of the situation. The department shall submit a claims voucher with written justification for the emergency purchase.

CITY OF SPRING HILL

PURCHASING POLICY

SECTION TITLE: SOURCE AND SOLE SOURCE DESIGNATION, SELECTION, AND PAYMENT METHOD

SECTION NUMBER: 2

2.01 SOURCE SELECTION AND PAYMENT METHOD

Exhibit A provides a matrix as quick reference for the source selection and applicable purchasing processes. Additional information on each source selection method can be found in this section. Purchases must not be split to circumvent the normal purchasing process.

2.02 TRADITIONAL SERVICES (EXCLUDES PROFESSIONAL SERVICES)

- A. Purchase of Goods and Services from a Single Vendor, Per Occurrence, Total Value Greater Than \$20,000:** All requests for the purchase of supplies and services, except the purchase of professional services, totaling more than \$20,000 from a single vendor, per occurrence (except emergency orders), shall be approved by the Governing Body as part of the legislative process on the formal agenda.

The Request for Proposal (RFP) process shall be followed as outlined in Section 2.04. Separate sealed bids may be requested through the RFP process as deemed necessary by the department director issuing the RFP.

- B. Purchase of Goods and Services from a Single Vendor, Per Occurrence, Having a Total Value Less Than \$20,000:** The following shall apply:

1. **Purchases from \$10,000 to \$20,000.** All requests for the purchase of supplies and services, except the purchase of professional services, totaling \$10,000 to \$20,000 from a single vendor, per occurrence (except emergency orders), shall be approved by the Governing Body as part of the legislative process on the consent agenda.

Prior to submitting the purchase request, at least three (3) quotes shall be obtained, if feasible. The City Administrator, department director, or designee, shall maintain supporting documentation of the quotes. If the authorized City employee is unable to obtain three (3) quotes, the reason shall be clearly stated in the request for approval from the Governing Body.

2. **Purchases from \$5,000 to \$10,000.** All requests for the purchase of goods and services, except the purchase of professional services, totaling \$5,000 to \$10,000 from a single vendor, per occurrence (except emergency orders) shall require approval by the City Administrator.

Prior to submitting the purchase request, at least three (3) quotes shall be obtained, if feasible. The City Administrator, department director, or designee, shall maintain supporting documentation of the quotes. If the authorized City employee is unable to obtain three (3) quotes, the reason shall be clearly stated in the request for approval from the City Administrator.

3. **Purchases less than \$5,000.** The purchase of supplies and services from a single vendor, per occurrence, having a total value less than \$5,000 shall be the responsibility of the department director. Invoices forwarded to the finance department for payment shall be signed by the appropriate department director or designee and have an appropriate expenditure code and description of the purchase.

2.03 PROFESSIONAL SERVICES

Procurement of professional services follows a specific qualitative process set forth by the Governing Body. Professional services may include, but are not limited to, legal, engineering, financial, consulting or construction services. Typically, requests for proposals are sent to interested firms and published in the official City newspaper as well as the City website and available government contractor websites. A selection committee reviews all proposals, conducts interviews and makes a recommendation for selection to the Governing Body.

The Governing Body then approves the recommendation and authorizes the staff and/or the selection committee to negotiate a scope of services and a fee, which is approved by the Governing Body at a later date.

- A. **Professional Fees Exceeding \$20,000:** In the event the fees for the services of a consultant or other professional on any proposed matter are estimated to exceed \$20,000, a RFP and sealed bid process will be utilized, see Section 2.04. The Governing Body holds the responsibility of approving any bid and resulting contract for professional services over \$20,000.
- B. **Professional Fees Between \$10,000 and \$20,000:** Where the professional fee is more than \$10,000 and less than \$20,000, the Governing Body, with input from appropriate City staff, may select a firm or individual on an individual matter based upon the particular firm's or individual's expertise, previous performance, and readiness for the service requirement of the City. Three quotes shall be obtained from qualified firms prior to award of contract for the required services. The contract with the selected firm or individual shall be submitted to and reviewed by the department director and City Attorney. The department director, having reviewed the proposed contract, will make a recommendation to the Governing Body for award.
- C. **Professional Fees \$10,000 or Less:** Where the professional fee shall not exceed \$10,000 the City Administrator, with input from appropriate City staff, may select a firm or individual on an individual matter based upon the particular firm's or individual's expertise, previous performance, and readiness for the service requirement of the City. The contract with the selected firm or individual shall be submitted to and reviewed by the department director and City Attorney. The department director, having reviewed the proposed contract, will make a recommendation to the City Administrator for award.

2.04 REQUEST FOR PROPOSALS (RFP)

Any purchase of services obligating the City to an expenditure of more than \$20,000 shall be made under the Request for Proposals process. Request for proposals are a cumulative process that incorporates a request for proposals and qualifications as well as an invitation for bid.

- A. Request for Proposals (RFP):** A competitive sealed proposal (Request for Proposal - RFP) is a method of source selection in which award is made to the vendor whose offer is considered the best when evaluated against established criteria and all other offers.

The department initiating the Request for Proposals is responsible for forwarding the final award documentation to the City Clerk for record keeping. All submittals, except confidential or proprietary information as defined by law, are public records and must be retained.

B. Notice to Bidders

1. A Notice to Bidders for the purchase of goods and services, including professional services, totaling more than \$20,000 shall be advertised in the official paper of the City one (1) time.
2. The Notice to Bidders form will be mailed to all known local and other prospective and qualified bidders and also shall be posted on the City's official website. Online advertisement through government contracting websites shall be used whenever possible.
3. A Notice to Bidders form shall be submitted to the City Clerk's office in sufficient time to meet the required publication deadline.
4. The Notice to Bidders shall be on a form approved by the City Attorney.

- C. Addendum to RFP:** If it is necessary to change the scope of work or any other aspect of the RFP prior to the date of submittal, an addendum shall be issued stating the changes. Scope of work changes must allow adequate notice and mailing time. The addendum shall be issued to every vendor which received a copy of the Request for Proposals. In certain cases the proposal opening may be postponed to allow adequate time for respondents to prepare their proposals based on scope of work changes.

- D. Bonding and insurance:** Requirements shall be set at the discretion of the department and the City Attorney in accordance with Chapter 4 of this Policy.

- E. Submission of Bids:** The City Clerk, or authorized City personnel, shall open all sealed bids and read them aloud in the presence of at least one (1) witness. A bid tabulation of all bids received will be made available for public inspection and retained by the City Clerk. Bids must be received prior to the specified time as established in the request. Bids received after the specified deadline must be returned to the non-responsive vendor unopened.

- F. Evaluation of Proposals:** The final selection for professional services will be made on the basis of experience, qualifications and reference that closely fit the project. The committee will review proposals and at its discretion conduct interviews with up to three firms. The criteria which will be used in evaluating the proposal include:

1. Expertise and Experience – 40%

- i. The firm's past experience and performance on comparable studies, including client satisfaction with work performed.
- ii. The quality and technical expertise of the firm's professional personnel to be assigned to the study.
- iii. Training and plan administration capabilities.
- iv. Experience and expertise that closely aligns the proposing firm to the needs of the City.

2. Study Approach – 40%

- i. Adequacy of proposed staffing plan for various segments of the study.
- ii. Adequacy of techniques and procedures to be utilized in the firm's work plan.
- iii. Adequacy of the scheduling of the work plan to complete the study within the target date.
- iv. System concept and solutions proposed, particularly methodology which will be used to develop and validate the pay plan.
- v. Responsiveness to the study objectives and scope of work contained herein.
- vi. Approach and methodology that closely aligns the proposing firm to the needs of the City.

3. Cost – 20%

Price will be evaluated with respect to the City's ability to fund the cost of the project but will not be the primary factor in the selection of the firm.

G. Award of Bid: The selection committee designated by the City Administrator shall review the proposals and make a recommendation to Governing Body. The determination by the Governing Body shall be based on the following:

- 1. It shall be the policy of the City of Spring Hill to obtain necessary professional services on the basis of demonstrated competence and qualifications for the type of service needed at fair and reasonable prices.
- 2. Prices shall not be the principal factor on which professional services are selected.
- 3. In the case where the City and/or a private developer have invested time and money in a project for which a professional firm has already been involved in preliminary work, the Governing Body may select that firm on the basis of City staff's recommendation or a developer's request, assuming a reasonable fee can be negotiated.
- 4. A contract will be negotiated by the appropriate department, reviewed by the City Attorney, and returned to the Governing Body for formal action.

5. Upon approval by the Governing Body, the Mayor and City Clerk shall execute the contract on behalf of the City.
 6. Upon execution of the contract, appropriate documentation shall be provided to the Finance Department for payment.
- H. **Negotiation:** In a situation where a bid is not required in the Request for Proposals, negotiation with the highest qualified vendor shall be undertaken to obtain a contract incorporating the scope of Services, method of contracting, price and terms and conditions determined to be fair and reasonable to the City. If negotiations with the most qualified vendor are not successful, negotiations with the second most qualified vendor shall then be undertaken and so on until a contract is successfully negotiated with a qualified vendor.
- I. **Alternative Process:** The Governing Body may develop any method of procuring the construction, or reconstruction, of any public facility, that it deems to be in the best interests of the City, to include:
1. The Governing Body may elect to have direct negotiations with a prospective provider including negotiations with the lowest and best responsible bidder if all bids exceed the estimate.
 2. Selection of a provider from a request for qualifications.
 3. A design/build process, as determined by the Governing Body; or
 4. Any other integrated comprehensive project design and/or construction process.
- J. **State Sales Tax Requirements:** When applicable, the City may furnish a sales tax exemption certificate number as supplied by the Kansas Department of Revenue. The successful bidder (contractor) shall be required to comply with K.S.A. 79-3606, as amended.

2.05 SOLE SOURCE DESIGNATION

- A. **Authority:** Exemption from competitive procurement is permitted when a written determination has been made by a department director and approved by the City Administrator that there is only one source practicably or reasonably available to provide a supply or service, or professional services. Such an exemption is required only for purchases greater than \$5,000 as all purchases less than this amount will not require competitive quotes or bids.
- B. **Sole Source Criteria:** The following are the criteria used for determining eligibility for sole source procurement:
1. The vendor is the original equipment or software provider and required parts, equipment, or software are unavailable from another vendor.
 2. Incompatibility or non-conformity with City owned equipment, materials, software, or expertise would require the expenditure of additional funds.

3. The vendor provides a unique supply or service and no similar supply or service is available or suitable.
4. The vendor has specific, relevant prior experience that will add value to their work and reduce costs for gathering information.

C. Procedures

1. Authority
 - a. Sole source purchases greater than \$5,000 and equal to or less than \$10,000 shall be approved by the City Administrator.
 - b. Sole source purchases greater than \$10,000 shall be approved by the Governing Body as part of awarding the bid and authorizing the mayor to sign the contract.
 - c. The department initiating the purchase shall include written documentation and/or justification that reasonably establish that the proposed vendor is the only practical source when submitting the recommendation.

CITY OF SPRING HILL

PURCHASING POLICY

SECTION TITLE: AGREEMENTS

SECTION NUMBER: 3

3.01 PRICE AGREEMENTS

A. Purpose:

1. Price Agreements, also known as term contracts, are agreements established with vendors to allow individual purchases by the City throughout the year without repeating the competitive bidding process each time a purchase is made. Price agreements take advantage of volume discounting based on the annual estimated quantities purchased. Price agreements also reduce paperwork, therefore expediting service and reducing purchasing costs.
2. Price Agreements do not commit the City to purchase any supply or service from the vendor. They are issued to advise the vendor of the supply and/or service the City may require, establish terms and pricing where applicable, establish dollar limits, either per order or time period, establish personnel authorized to make purchases against these price agreements and outline the ordering, receiving and invoicing procedure.
3. Price Agreements may be arranged by departments in cooperation with the finance department. It is the responsibility of the department initiating a price agreement to determine the approximate quantity needed and estimated amount that shall be spent during the fiscal year under the proposed price agreement. Prices shall be established, per the policies of this policy. Pricing information shall be made available to ordering departments and to the finance department to assure correct payment is made to the participating vendor.

- B. Establishment and Term:** Price Agreements shall be established in conformance with the source selection requirements described in Section 3. Price agreements shall have annual renewals up to a maximum of two (2) years.

C. Procedures for Price Agreements

1. Orders against price agreements can be made by phone, fax, e-mail or in person after the employee has received proper approval. Employee(s) shall identify themselves and provide the following information; supply or service description,

part number (if applicable), quantity, required date, point of delivery, and price agreement number (if applicable).

2. The vendor shall prepare an invoice or receipt showing the above information and provide it to the ordering employee.

3.02 COOPERATIVE AGREEMENTS

A. General: Cooperative procurement is a process by which two or more governmental jurisdictions join together to purchase supplies or services from the same vendor. This form of purchasing has the benefits of reducing administrative costs, eliminating duplication of effort, lowering prices, sharing information and taking advantage of expertise and information that may be available in only one of the jurisdictions. Examples of cooperative agreements can be as simple as two jurisdictions agreeing to jointly fund a road improvement project and as sophisticated as the Mid-America Regional Council's Kansas City Regional Purchasing Cooperative.

B. Authority:

1. Departments are authorized to participate in, sponsor, conduct or administer a cooperative agreement with one or more other public or non-profit entities as long as the source selection practices of the cooperative are in conformance with the City's source selection methods detailed in Section 2 of this policy.
2. Purchases through cooperative agreements must be approved for payment in accordance with the final approval authority set forth in this policy under Section 1.01 General Provisions, E. Purchasing Authority.

3.03 GOVERNMENT CONTRACTS

A. General: Other government agencies perform bids on supplies and services similar to the City. Many vendors will extend the same terms and pricing to other governments. This form of purchasing has the benefits of reducing administrative costs, eliminating duplication of effort, lowering prices, sharing information and taking advantage of expertise and information that may be available in only one of the jurisdictions.

B. Authority: Department directors are authorized to "piggy-back" on other government contracts including MARC, other local governments, State and Federal pricing as long as the source selection practices of the agency are in conformance with the intent of the City's purchasing policies and source selection methods.

CITY OF SPRING HILL

PURCHASING POLICY

SECTION TITLE: BONDS AND CONTRACT CLAUSES

SECTION NUMBER: 4

4.01 BID SECURITY

A. Requirement for Bid Security

1. Bid Bond or Check (For bids on amounts over \$50,000): A certified cashier's check, bid bond, or money order made payable to the city, in the amount of 5% of the bid may be required of all bidders. The bid bond or check of the successful bidder shall be retained by the City until completion of the work or submittal of a performance bond (if applicable) to insure the delivery of the supplies and/or service at the specified time and/or the successful completion of the project.

B. Performance and Payment Bonds

1. State Statute Required Contract Bond or Security: When a contract is awarded, the following bonds or security shall be delivered to the City in all cases required by State statute, and if the City Administrator deems appropriate on those contracts not required by state statute and shall become binding on the parties upon execution of the contract:
 - a. Performance Bond: A performance bond satisfactory to the City, executed by a surety company authorized to do business in Kansas or otherwise secured in a manner satisfactory to the City for the performance of the work provided for in the contract, in an amount equal to 100% of the price specified in the contract; and
 - b. Payment Bond: A payment bond to the State of Kansas satisfactory to the City, executed by a surety company authorized to do business in Kansas or otherwise secured in a manner satisfactory to the City, for the protection of all persons supplying labor, materials, equipment or supplies to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to 100% of the price specified in the contract and shall otherwise comply with the requirements of K.S.A. 60-111.
2. Authority to Require Additional Bonds: Nothing in this section shall be construed to limit the authority of the City to require other security in addition to the bonds mentioned, or in circumstances other than specified in Subsection (1) of this Section.
3. Suits on Payment Bonds -- Right to Institute: Every person who has furnished labor or material to the contractor or its subcontractors for the work provided in the contract, in respect of which a payment bond is furnished under this section, shall have the right to sue on the payment bond for any amount unpaid at the time the suit is instituted and to prosecute the action for the amount due the person in the manner prescribed within Chapter 60 of the Kansas Statutes Annotated.

4. Suits on Payment bonds -- Where and When Brought: Every suit instituted upon a payment bond shall be brought in the District Court of Johnson County, but no such suit shall be commenced after the expiration of one year after the day on which the last of the labor was performed or material was supplied by the person bringing suit. The obligee named in the bond need not be joined as a party in any such suit.

4.02 CONTRACT CLAUSES AND THEIR ADMINISTRATION

- A. **Contract Clauses:** Contracts for supplies and services shall include clauses addressing, but not limited to:
 1. The unilateral right of the City to order changes in the work and changes in the time of performance of the contract;
 2. Variations occurring between estimated quantities of work and actual quantities;
 3. Suspension of work ordered by the City;
 4. Site conditions differing from those indicated in the contract, or ordinarily encountered, except that differing site conditions clauses need not be included in negotiated contracts, or when the contractor provides the site or design, or when the parties have otherwise agreed with respect to the risk of differing site conditions;
 5. Liquidated damages;
 6. Specified justification for delay or nonperformance;
 7. Termination of the contract for default; and
 8. Termination of the contract in whole or in part for the convenience of the City.
 9. Early completion incentives.
 10. Provisions related to the Kansas Human Rights Legislation.
- B. **Modification of Required Clauses:** The Finance Director or department director with the advice and consent of the City Attorney may vary the contract clauses for inclusion in any particular contract; provided that the circumstances justify such variations and provided that notice of any such material variation is stated in the Request for Proposals.
- C. **Contracts:** Contracts shall be executed in conformance with the Purchasing Authorities established in Chapter 1.01 Purchasing Process, E. Purchasing Authority. Original contract documents shall be filed in the office of the City Clerk.
- D. **Term of Ongoing Professional Services Contracts:** The term of professional services contracts of an ongoing nature shall be determined by the City Administrator.

CITY OF SPRING HILL

PURCHASING POLICY

SECTION TITLE: CHANGE ORDER LIMITS AND AUTHORIZATION

SECTION NUMBER: 5

5.01 CHANGE ORDER INCREASE AND APPROVAL

A. Change Order Approval by Governing Body: A change order increase must be approved by the Governing Body if the change:

1. Alters the scope of the project; or
2. Is \$10,000 or 10% more than an original or amended base contract, whichever is greater.

B. Change Order Authorization for City Administrator

1. The City Administrator is authorized to approve change orders less than \$10,000 or 10% above the original or amended base contract, whichever is less.
2. The City Administrator may exceed the above thresholds when:
 - a) An emergency situation exists as defined in Section 1.04 Emergency Purchases of this policy, or
 - b) The project or the project schedule would be significantly negatively impacted by a delay in consideration of the change order.
3. Notification shall be forwarded to the Governing Body if the City Administrator authorizes a change order over the above thresholds.

C. Per Unit Change Orders: When a contract originally approved by the Governing Body is based on unit cost (e.g. mill and overlay) a final change order must be presented to the Governing Body at the end of the contract if there is an increase or decrease in the base contract amount.

CITY OF SPRING HILL

PURCHASING POLICY

SECTION TITLE: FEDERAL REQUIREMENTS AND STATE STATUTES

SECTION NUMBER: 6

6.01 COMPLIANCE WITH FEDERAL REQUIREMENTS AND STATE STATUTES

- A. Federal Law and Authorized Regulation Compliance:** Where a purchase involves the expenditure of federal assistance or contract funds, the Department Director shall comply with such federal law and authorized regulations which are mandatorily applicable and which are not reflected in this Policy.
- B. City Purchasing Practices Subordinate to State Statutes**
1. Except as exempted by charter ordinance of the Governing Body, the provisions of this policy are subordinate to any state statutes governing City purchasing practices. In addition to state statutes cited elsewhere in this policy, the following state statutes should be checked for applicability:
 - a) K.S.A. 79-1008 et. seq. - Collection of taxes from non-resident contractors.
 - b) K.S.A. 75-3740a - Contracts for purchases with nonresident bidders.
 - c) K.S.A. 16-113 - Appointment of process agent by nonresident contractor.
 - e) K.S.A. 68-572 - Intergovernmental agreements for road construction and maintenance, county, city and township.
 - f) K.S.A. 12-2904 et. seq. – Provisions required for interlocal agreements by public agencies.
 - g) K.S.A. 12-2908 – Certain agreements between cities, counties, or townships not regarded as interlocal agreements.
 - h) K.S.A. 44-1010 et. seq. – Mandatory provisions of the Kansas Act Against Discrimination required for certain agreements.
 - i) Chapter 16 of Kansas Statutes Annotated – Provisions required for certain public construction contracts.
 - j) Chapter 60 of Kansas Statutes Annotated – Statutory bond requirements for certain public improvement contracts.

CITY OF SPRING HILL

PURCHASING POLICY

SECTION TITLE: DISPOSAL OF SURPLUS PROPERTY

SECTION NUMBER: 7

7.01 GUIDELINES FOR DISPOSAL OF SURPLUS, ABANDONED, OR CONFISCATED PROPERTY

- A. Departments may transfer, sell, exchange, or destroy any surplus, abandoned, or confiscated property without competitive bidding if such property has a value believed to be \$5,000 or less. Such property may be disposed of by negotiated sales to other governmental entities, non-profit organizations, or as is in the best interest of the City.
- B. No property shall be sold without receiving competitive bids if the value is believed to be greater than \$5,000.
- C. Departments disposing of surplus property shall work with the finance department to collect sales tax on the sale, as appropriate.
- D. This policy does not address disposal of real estate due to the complex nature and legal requirements of this type of transaction. Departments should consult the City Administrator and City Attorney prior to initiating disposal of real estate.

7.02 Methods of Disposition

- A. The following are the methods of disposition that may be used for surplus, abandoned, or confiscated items.
 - 1. Transfer: Transferring to another department with use for the item is the best method of disposition. Both the transferring and receiving departments must update their inventory records, if applicable.
 - 2. Sale: There are several methods for selling surplus, abandoned, or confiscated items.
 - a. Auctions. The City may contract with an auctioning service or auction via on-line internet service to sell items to the highest bidder.
 - b. Sealed Bids. The department may determine that items shall be sold at sealed bid sale. Public Notice of the sale is made and solicitations are issued to prospective bidders.
 - c. Commercial Markets. The department may determine that items may be offered for sale by consignment to established commercial markets. Candidates for this method of sale include antiques, art and specialized equipment.

- d. **Sale of Scrap.** Many items that are no longer usable may have a residual value. The department may arrange for the sale of scrap items.
 - e. **Posted Prices.** From time to time, where there is no regular market and demand is erratic, an item may be marked with a pre-established price and sold to the public on a first-come basis.
 - f. **Trade-in.** The department may determine that it is advantageous to the City to seek bids on replacement items with the Vendors allowing/offering trade allowances. Award may be made in the manner that is most advantageous to the City.
 - g. **Cannibalization.** Disassembling an item to use its components for repair or maintenance of a similar item is authorized only if cannibalization is expected to create greater value than disposal or trade-in of the item.
 - h. **Donation.** Donation of items believed to have a value of more than \$1,000 must be approved by the Governing Body. Donation of items believed to have a value of \$1,000 or less shall be approved by the City Administrator.
- B. **Destruction and/or Disposal:** Surplus property of no or minimal monetary value may be destroyed or disposed as trash. Care shall be taken to destroy or dispose of items with regard to environmental impact and cost.
- 1. **Waste Disposal Hazardous Materials.** There are strict federal and state laws regarding the disposal of hazardous materials. Disposal of hazardous materials shall be directed by the local Fire Chief. Departments shall contact the Fire Chief before moving, transferring or selling any hazardous materials.

7.03 ALLOCATION OF PROCEEDS

- A. All proceeds resulting from the sale of surplus, abandoned, or confiscated property shall be deposited in the appropriate fund from which it was purchased. If the original fund cannot be identified, the proceeds will be deposited in the general fund.

7.04 TERMS AND CONDITIONS OF SALE

- A. Depending on the nature of the items and the method of sale selected, the following terms and conditions shall be used:
 - 1. **Inspection.** Prospective buyers will be allowed time prior to the sale to inspect items.
 - 2. **No Warranty.** No warranty or guarantee of any kind is given by the City. All items are offered for sale "as is", "where at", and "without recourse".
 - 3. **Removal.** The successful bidder will be required at their own risk and expense to remove any items bid upon within the time specified in the bid document. Receipt of each unit must be signed by the purchaser or their duly authorized agent at the time the

item is removed. Any item not called for or left behind will be considered as abandoned, and the City has the right to dispose of same in any manner whatsoever.

4. Upset Price. In some instances, minimum prices will be established. In such cases, items will not be sold below that minimum price. The City reserves the right to accept or reject any or all bids.

7.05 REPORT OF DISPOSITION

The finance department must be advised of the disposition of all items with a value of \$1,000 or more in order that general fixed asset records may be updated.

7.06 SALES TO EMPLOYEES

To avoid the appearance of impropriety, employees of the City may not purchase items unless the sale is to the highest bidder at a public or on-line auction, or by sealed bid after appropriate notification of the sale.

7.07 DISPOSAL OF GRANT FUNDED EQUIPMENT

When equipment was purchased using funds from state or federal grant funds, the provisions of the grant must be followed during disposal. It is the disposing department's responsibility to assure that grant provisions are followed. If required by grant requirements, proceeds from disposal shall be returned to the grant-funding agency or department.

CITY OF SPRING HILL

PURCHASING POLICY

SECTION TITLE: TERMS AND DEFINITIONS

SECTION NUMBER: 8

8.01 TERMS AND DEFINITIONS

The words defined in this section shall have the meanings set forth below whenever they appear in this policy:

Bid: An offer, as a price, whether for payment or acceptance. A bid can either be an offer to the City by a vendor or a buyer.

Bidder: A person or firm responding to a City request for bids.

Price Agreement: A contract outlining the specific price for supplies or services for a specified period of time.

Change Order: A written document to make changes to an existing contract and/or purchase order.

Check Request: A document that may be used to authorize payment to a vendor when no receipt is available.

City: City of Spring Hill.

City Administrator: Chief executive officer of the City.

Claims Voucher: The paper or electronic document utilized to request the payment for supplies or services when an invoice is not available.

Contract: All types of City agreements, including grants and purchase orders for the purchase or disposal of supplies and services including constructed or manufactured.

Contractor: Any person having a contract with the City.

Cooperative Agreement: An agreement with another government entity, or a cooperative formed by multiple government entities, that establishes a contract for particular supplies or services for a definite period of time at a set price.

Department Director: All Department Directors or their designees

Emergency Purchases: Purchasing of supplies or services, where the urgency of need does not permit the utilization of normal competitive selection methods.

Employee: An individual drawing a salary from the City and any non-compensated individual performing personal services for the City.

Environmentally Preferable Products: Products that have a lesser impact on human health and the environment when compared with competing products. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.

Finance Director: The individual holding the position of Finance Director, or their designee.

Governing Body: The Mayor and City Council members of the City of Spring Hill.

Invitation for Bids: All documents, whether attached or incorporated by reference, utilized for soliciting bids.

Life Cycle Cost: A calculation of the cost of a system or product over its entire life span

May: Denotes the permissive.

Procurement: The process of obtaining goods or services.

Professional Services: Services where technical expertise or knowledge of a specialized field is critical to the performance of that service. Professional services are generally associated with the following disciplines: (a) architect, engineer and land surveying services; (b) appraisal services; (c) financial, accounting and auditing services; (d) legal services; (e) consulting services; (f) health care services; (g) insurance services; (h) data processing consulting and programming services; (i) testing and inspection services; (j) photographic, art or marketing services; and (k) employment of temporary employees as advisors, lobbyists, etc.

Proposal: A written offer or bid containing price and other terms made by a vendor.

Public Notice: The placement of a notice in officially designated newspaper(s) of the City.

Purchasing Card: A credit card payable from City accounts issued to an employee for the purpose of procuring City related supplies and services.

Receiving Report: The paper or electronic document utilized to confirm receipt of supplies or services and authorize payment to the vendor.

Recycled Products: Products manufactured with waste material that has been recovered or diverted from solid waste.

Request for Proposal (RFP): All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible Bidder: A person or firm who has the capability in all respects to perform fully the contract requirements.

Services: The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance.

Shall: Denotes the imperative.

Specification: Any description of the physical or functional characteristics, or of the nature of a supply or service item. It may include a description of any requirement for inspecting, testing, or preparing a supply or service for delivery.

Statement of Qualifications: A document submitted to the City by a professional services vendor detailing its abilities and experience to provide a certain service.

Supplies: All property, including but not limited to equipment, materials, printing, insurance, and leases of real property, excluding land or a permanent interest in land.

Surplus: Any supplies, equipment or property no longer having any use to the City. This includes obsolete supplies, scrap materials, and nonexpendable supplies that have completed their useful life cycle.

Vendor: A seller of supplies or services.



PURCHASING POLICY MATRIX

| PURCHASE | | AUTHORITY TO APPROVE | | | | DOCUMENTS REQUIRED | | | | OTHER REQUIREMENTS | | | |
|----------------------------------|----------------------|----------------------|--------------------|------------------|--------------|--------------------|-------------------|---------|-------------|--------------------|--------------------|---------------|--|
| Type | Amount | City Council | City Administrator | Department Heads | Three Quotes | RFP | Contract Required | Invoice | Scaled Bids | Notice to Bidders | Submission of Bids | Award of Bids | Project/ Sales Tax exemption if applicable |
| Goods and Services | More than \$20,000 | Y | | | Y | Y | | Y | Y | Y | Y | Y | " |
| Goods and Services | \$10,000 to \$20,000 | Y | | | Y | | | Y | | | | | " |
| Goods and Services | \$5,000 to \$10,000 | | Y | | Y | | | Y | | | | | " |
| Goods and Services | Less than \$5,000 | | | Y | | | | Y | | | | | " |
| | | | | | | | | | | | | | |
| Goods and Services [Emergencies] | More than \$10,000 | | Y | | | | | Y | | | | | " |
| | | | | | | | | | | | | | |
| Professional Services | More than \$20,000 | Y | | | Y | Y | Y | Y | Y | Y | Y | Y | " |
| Professional Services | \$10,000 to \$20,000 | Y | | | Y | | Y | Y | | | | | " |
| Professional Services | Less than \$10,000 | | Y | | | | Y | Y | | | | | " |
| | | | | | | | | | | | | | |
| Change Orders | More than \$10,000 | Y | | | | | Y | Y | Y | Y | Y | Y | " |
| Change Orders | Less than \$10,000 | | Y | | | | | Y | | | | | " |

**City of Spring Hill
Petty Cash Request Form**

Amount Advanced: \$ _____ OR Amount Reimbursed: \$ _____

Description of Expense: _____

Approved by: _____ Date: _____
(Department Head approval)

Charge to Account #: _____ - _____ - _____

Received by: _____ Date: _____
(person requesting/receiving funds)

Distributed by: _____ Date: _____
(Finance Dept personnel)

All petty cash reimbursement requests must be accompanied by corresponding receipt(s).
No funds will be distributed without approval from Department Head.

g/u/datafile/Jennifer/utility billing/forms/petty cash request form

**City of Spring Hill
Petty Cash Request Form**

Amount Advanced: \$ _____ OR Amount Reimbursed: \$ _____

Description of Expense: _____

Approved by: _____ Date: _____
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g/u/datafile/Jennifer/utility billing/forms/petty cash request form